

11 March 1974

MEMORANDUM FOR: Chief, Physical Security Division
SUBJECT : Telephone Recorders - Security Duty Office

1. As you are aware, the [redacted] recorders installed in telephones in the Security Duty Office were authorized for the primary purpose of recording serious threats to Agency installations, senior Agency officials, and national figures. These recorders are in fact also being utilized by the SDOs to record any conversation they feel is too complicated to accurately record without the aid of a tape. Over the years, the tapes have become disarranged and attempts to identify specific tapes with specific dates have met with serious difficulty.

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2. In view of the above, the following SOP is established for the use of tape recorders presently installed in the SDO:

A. The primary purpose of the tape recorder is to record threats against Agency installations, senior Agency officials and national figures, such as the President, Vice President, Cabinet members, etc. All telephone calls which bear on these subjects will be recorded on tape.

B. The secondary use of the tape recorder is to assist the SDO in completing his Tour of Duty report. Utmost discretion must be utilized by the individual SDO when using the tape recorder for this purpose.

C. At 0001 hours each day an SDO will activate each tape recorder and record his name, the recorder letter, the hour, and the date.

D. After every conversation is taped, the SDO will immediately indicate his name and the hour.

E. Whenever a reel of tape is completed on one side, the tape will be removed from the machine and delivered to the senior SDO who will transmit the reel to the Chief, Headquarters Security Branch for safekeeping. The Chief, Headquarters Security Branch will insure that each reel is annotated to reflect the beginning and ending dates. He will also file the tapes in a manner which will assist in recovering the tapes for any period of interest.

F. The Chief, HSB will maintain possession of all tapes and will relinquish them only upon written authority from the Acting Director or Deputy Director of Security. When a tape is removed from the control of the Chief, HSB, he will so annotate his records to indicate the recipient.

3. The above procedures will become effective at 0001 hours, 12 March 1974.

STATINTL

[REDACTED]
Deputy Director of Security (PTOS)

cc: C/HSB

§ 64.295

Title 47—Telecommunication

portion of the total delivered load (for the full month, including Saturdays, Sundays and holidays) in that method and city to the total delivered load (for the full month) in the same method for the seventy-five cities. The weighting factors shall be computed annually based on delivered loads for the month of March.

§ 64.295 Additional speed of service reports required.

(a) The Western Union Telegraph Company shall file with the Commission for its information, not later than the 25th date of each succeeding month, reports in quadruplicate of any additional monthly recurring speed of service studies it may make.

(b) Two copies of all general instructions (and of any amendments thereto) issued to the field offices for the preparation of the studies required by this section shall be filed with the Commission upon issuance.

Subpart C—Furnishing of Facilities to Foreign Governments for International Communications**§ 64.301 Furnishing of facilities to foreign governments for international communications.**

Common carriers by wire and radio shall, in accordance with section 201 of the Communications Act, furnish services and facilities for communications to any foreign government upon reasonable demand therefor: *Provided, however,* That, if a foreign government fails or refuses, upon reasonable demand, to furnish particular services and facilities to the United States Government for communications between the territory of that government and the United States or any other point, such carriers shall, to the extent specifically ordered by the Commission, deny equivalent services or facilities in the United States to such foreign government for communications between the United States and the territory of that foreign government or any other point.

(Interpret or apply secs. 201, 214, 303, 308, 48 Stat. 1075, 1082, 1083; 47 U.S.C. 201, 214, 303, 308) [32 F.R. 13242, Dec. 5, 1967]

Subpart D—Procedures for Handling Priority Services in Emergencies**§ 64.401 Procedures for the use and restoration of leased intercity private line services in emergencies.**

The communications common carriers

shall maintain and, if disrupted, restore leased intercity private line services in accordance with the procedures set forth in Appendix A to this part.

(Secs. 1, 201, 202, 203, 204, 205, 48 Stat. as amended, 1064, 1071, 1072; 47 U.S.C. 151, 202, 203, 204, 205, and E.O. 11092 of Feb. 28, 1963) [32 F.R. 788, Jan. 24, 1967]

§ 64.402 Procedures for using a precedence system for public correspondence services provided by the communication common carriers.

The precedence system and procedures set forth in Appendix B to this part are applicable to the communications common carriers and all users of public correspondence service facilities of the communications common carriers, and to the extent possible through agreements between the latter and their foreign correspondents, for handling abroad.

(47 U.S.C. 151, 202, 203, 204, 205, E.O. 11092; 3 CFR, 1959-1963 Comp.) [34 F.R. 17292, Oct. 24, 1969]

Subpart E—Use of Recording Devices by Telephone Companies**§ 64.501 Recording of telephone conversations with telephone companies.**

No telephone common carrier, subject in whole or in part to the Communications Act of 1934, as amended, may use any recording device in connection with any interstate or foreign telephone conversation between any member of the public, on the one hand, and any officer, agent or other person acting for or employed by any such telephone common carrier, on the other hand, except under the following conditions:

(a) That such use shall be accompanied by adequate notice to all parties to the telephone conversation that the conversation is being recorded;

(b) That such notice shall be given by the use of an automatic tone warning device, which will automatically produce a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use;

(c) That the characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787; 11 F.C.C. 1033 (1947); 12 F.C.C. 1005 (November 26, 1947); 12 F.C.C. 1008 (May 20, 1948);

(d) That no recording device shall be used unless it can be physically connected

to and disconnected from the line or switched on and off.

[32 F.R. 11275, Aug. 3, 1967]

Subpart F—Pole Attaching Other Arrangements CATV Service**§ 64.601 Furnishing of CATV service to the viewing public in its area.**

(a) No telephone company may connect in whole or in part to the Communications Act of 1934, as amended, shall directly or indirectly own, affiliate owned or control, common control with, or have common control with, communications common carriers in the furnishing of CATV service to the viewing public in its area.

(b) No telephone company may connect in whole or in part to the Communications Act of 1934, as amended, provide channels of communication over a pole line, conduit space, or arrangements to any extent directly or indirectly owned, controlled by or under common control with such telephone common carrier, where such arrangements are to be made in connection with the provision of CATV service to the viewing public in its area of the said telephone carrier.

Note 1: (a) As used above, "common control" and "affiliation" both mean business relationship whether or otherwise, directly or indirectly, between the carrier and the customer or the carrier-user relationship.

(b) Examples of situations where a telephone carrier and its customer may be controlled or having common control include the following, among others: (1) where the debtor or creditor or both are controlled by the same person (with respect to charges for telephone service); where they have common officers, directors, or other employees at the same management level; where they have common ownership or other financial interest in one another; and where they have a financial interest in both.

Note 2: In applying the provisions of paragraph (a) of this section, stockholders of a corporation shall be considered stockholders if 50 stockholders:

(a) Only those stockholders who are officers, directors, or employees of the corporation directly or indirectly own, controlled, or have common control with, or have common control with, the outstanding voting stock of the corporation.

(b) Stock ownership by a corporation, as defined in § 64.80a-3 (commonly called stockholders), shall be considered stockholders if 50 stockholders:

Chapter I—Federal Communications Comm.

§ 64.602

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104, 205, 48 Stat. 23;
47 U.S.C. 151, 202,
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[32 F.R. 11275, Aug. 3, 1967]

Subpart F—Pole Attachments and Other Arrangements Relative to CATV Service

§ 64.601 Furnishing of facilities for CATV service to the viewing public.

(a) No telephone common carrier subject in whole or in part to the Communications Act of 1934, as amended, shall directly or indirectly through an affiliate owned or controlled by or under common control with said telephone communications common carrier, engage in the furnishing of CATV service to the viewing public in its telephone service area.

(b) No telephone common carrier subject in whole or in part to the Communications Act of 1934, as amended, shall provide channels of communications or pole line, conduit space or other rental arrangements to any entity which is directly or indirectly owned, operated or controlled by or under common control with such telephone communications common carrier, where such facilities or arrangements are to be used for or in connection with the provision of CATV service to the viewing public in the service area of the said telephone common carrier.

Note 1: (a) As used above, the terms "control" and "affiliation" bar any financial or business relationship whatsoever by contract or otherwise, directly or indirectly, between the carrier and the customer, except only the carrier-user relationship.

(b) Examples of situations in which a carrier and its customer will be deemed to be controlled or having an interest, include the following, among others; where one is the debtor or creditor of the other (except with respect to charges for communication service); where they have a common officer, director, or other employees at the management level; where there is any element of ownership or other financial interest by one in the other; and where any party has a financial interest in both.

Note 2: In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 stockholders:

(a) Only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock;

(b) Stock ownership by an investment company, as defined in 15 U.S.C. section 80a-3 (commonly called a mutual fund), need be considered only if it directly or

indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated. If an investment company directly or indirectly owns 50 percent or more of the voting stock of the corporation, the investment company shall be considered to own the same percentage of outstanding shares of such corporation as it owns of the intermediate company; *Provided, however, That the holding of the investment company need not be considered where the intermediate company owns less than 50 percent of the voting stock, but officers or directors of the corporation who are representatives of the intermediate company shall be deemed to be representatives of the investment company.*

(c) In cases where record and beneficial ownership of voting stock is not identical (e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties), the party having the right to determine how the stock will be voted will be considered to own it for the purposes of this section.

Note 3: The provisions of this section are not effective until March 16, 1974, as to CATV service, channels of communication or pole line, conduit space or other rental arrangements, if such CATV service was being furnished or such facilities or arrangements were being used for or in connection with the provision of CATV service to the viewing public on or before May 1, 1970, or are authorized by the Commission; and in such instances new drops may be made from existing trunk lines during this period.

[35 F.R. 6756, Apr. 29, 1970]

§ 64.602 Waivers.

(a) In those communities where CATV service demonstrably could not exist except through a CATV system related to or affiliated with the local telephone common carrier or upon other showing of good cause, the provisions of § 64.601 may be waived, on the Commission's own motion or on petition for waiver, if the Commission finds that public interest, convenience and necessity would be served thereby.

(b) A petition for waiver shall be accompanied by an affidavit of service on any existing CATV system, CATV franchise holder and/or applicant for a CATV franchise within the local telephone service area of the telephone common carrier. The petition shall state fully and precisely all pertinent facts and considerations relied upon to demonstrate the need for the relief requested and to sup-